

**IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

SHARON SHERER,

Plaintiff,

vs.

No.: 2018-L-

REALTY INCOME ILLINOIS  
PROPERTIES 3, LLC and AMC  
ENTERTAINMENT, INC. d/b/a  
AMC SHOWPLACE  
EDWARDSVILLE 12,

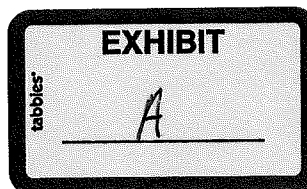
Defendants.

**COMPLAINT**

NOW COMES Plaintiff, SHARON SHERER, by and through her attorney, Joshua R. Evans of The Unsell Law Firm, P.C., and alleges against Defendants REALTY INCOME ILLINOIS PROPERTIES 3, LLC and AMC ENTERTAINMENT, INC. d/b/a AMC SHOWPLACE EDWARDSVILLE 12 as follows:

**FACTS COMMON TO ALL COUNTS**

1. At all times material to this case, Plaintiff, SHARON SHERER, resided in Madison County, Illinois.
2. The Defendant, AMC ENTERTAINMENT, INC. d/b/a AMC SHOWPLACE EDWARDSVILLE 12 (hereinafter "AMC"), conducts business in the state of Illinois, specifically at 6633 Center Grove Road, Edwardsville, Madison County, Illinois.
3. Defendant, REALTY INCOME ILLINOIS PROPERTIES 3, LLC, owns the property located at 6633 Center Grove Road, Edwardsville, Madison County, Illinois.



4. Before and since July 17, 2016, Defendant, AMC, maintained and operated a movie theater known as *AMC Showplace Edwardsville 12* in Edwardsville, Madison County, Illinois.
5. At all times material to this case, the Defendant, AMC, maintained and operated multiple viewing theaters at the same location in *AMC Showplace Edwardsville 12*, in Edwardsville, Madison County, Illinois.
6. At and prior to that time, Defendant, AMC, was exhibiting motion pictures in the theatre, and was inviting the general public, for an admission fee to be paid by each patron, to enter the theatre and view pictures and to use the entrances, exits, aisles, seats and other appurtenances in the theatre.
7. Based on information and belief, Defendants' theaters were specifically designed, built and maintained at the specifications of the Defendant, AMC, for the purpose of showing movies for profit.
8. Based on information and belief, said premise is owned by Defendant, REALTY INCOME ILLINOIS PROPERTIES 3, LLC, and leased to Defendant, AMC.

**COUNT I**  
**(vs. Defendant, AMC)**

9. Plaintiff incorporates the FACTS COMMON TO ALL COUNTS of this Complaint as if fully set forth herein.
10. Defendant, AMC, as under a duty to exercise reasonable care in the maintenance and operation of the theatre, including the entrances, exits, aisles, seats and other appurtenances on the premises, so that its patrons would not be likely to sustain injuries while in the theatre, and particularly to keep the aisles leading into and out of the theatre sufficiently lighted to enable its patrons to see the floors.

11. Prior to the time of this occurrence, Plaintiff paid Defendant, AMC, the fee charged by it for admission to the theatre and lawfully entered the theatre.
12. Subsequently, Plaintiff used the stairway in the theatre.
13. On July 17, 2016, at approximately 1:20 p.m., as a direct and proximate result of negligence of Defendant, as subsequently specified, Plaintiff was caused to, and did, fall on the step leading to the theatre seating, with great force by which she was greatly injured.
14. Defendant, AMC, was then guilty of one or more of the following negligent acts and omissions:
  - (a) Failed to furnish sufficient, or any, light in the aisle in which Plaintiff was walking to enable her to see the floor;
  - (b) Permitted the aisle in which Plaintiff was walking to be and remain unlighted or insufficiently lighted; and
  - (c) Failed to furnish sufficient indicators of where a step began.
15. As a direct and proximate result of the negligence of Defendant, AMC, Plaintiff sustained severe and permanent injuries.
16. Plaintiff has spent and will spend and will become liable for large sums of money for medically necessary treatment.

WHEREFORE, Plaintiff demands judgment against Defendant, AMC SHOWPLACE EDWARDSVILLE 12, in an amount in excess of fifty thousand dollars (\$50,000.00) and the cost of this action.

## **COUNT II**

**(vs. Defendant Realty Income Illinois Properties 3, LLC)**

17. Plaintiff incorporates the FACTS COMMON TO ALL COUNTS of this Complaint as if fully set forth herein.

18. Defendant, REALTY INCOME ILLINOIS PROPERTIES 3, LLC, as owner of the property located at 6633 Center Grove Road, Edwardsville, Madison County, Illinois, was under a duty to exercise reasonable care in the maintenance and operation of the theatre, including the entrances, exits, aisles, seats and other appurtenances on the premises, so those on the premises would not be likely to sustain injuries.
19. At and immediately prior to that time, Plaintiff was a patron of Defendant in the theatre, and was using the stairway on the premises.
20. On July 17, 2016, at approximately 1:20 p.m., as a direct and proximate result of negligence of Defendant, as subsequently specified, Plaintiff was caused to, and did, trip and fall on the step leading to her seat, with great force by which she was greatly injured.
21. Defendant, by its agents and employees, was then guilty of one or more of the following negligent acts and omissions:
  - (a) Failed to furnish sufficient, or any, light in the construction and maintenance of the aisle in which Plaintiff was walking to enable her to see the floor;
  - (b) Permitted the aisle in which Plaintiff was walking to be and remain unlighted or insufficiently lighted; and
  - (c) Failed to furnish sufficient indicators of where a step began.
22. As a direct and proximate result of the negligence of Defendant, by its agents and employees, Plaintiff sustained severe and permanent injuries.
23. Plaintiff has spent and will spend and will become liable for large sums of money for medically necessary treatment.

WHEREFORE, Plaintiff demands judgment against Defendant, REALTY INCOME ILLINOIS PROPERTIES 3, LLC, in an amount in excess of fifty thousand dollars (\$50,000.00) and the cost of this action.

By: /s/ Joshua R. Evans, #6318288  
The Unsell Law Firm, P.C.  
69 S. 9<sup>th</sup> Street  
East Alton, IL 62024  
P: 618-259-3728  
F: 618-259-3783  
office@unselllaw.com

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

SHARON SHERER,

Plaintiff,

vs.

No.: 2018-L-

REALTY INCOME ILLINOIS  
PROPERTIES 3, LLC and AMC  
ENTERTAINMENT, INC. d/b/a  
AMC SHOWPLACE  
EDWARDSVILLE 12,

Defendants,

AFFIDAVIT OF DAMAGES  
SUPREME COURT RULE 222

The undersigned being first duly sworn upon oath, deposes and states that she is a party to the above entitled cause of action seeking money damages and states that this cause of action does exceed Fifty Thousand and 00/100ths Dollars (\$50,000.00).

By: Sharon Sherer  
SHARON SHERER

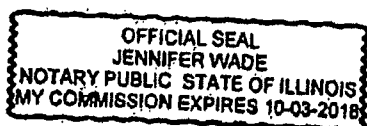
STATE OF ILLINOIS )

COUNTY OF Madison )

SS.

I, the undersigned, a Notary Public in and for the said County in the State aforesaid, do hereby certify that SHARON SHERER, personally known to me to be the same person whose name is subscribed to the within instrument of writing appeared before me this day in person, and acknowledged that she signed same as her free and voluntary act, for the uses and purposes there in set forth.

Given under my hand and Notarial Seal, this 22<sup>nd</sup> day of March, 2018.



Jennifer Wade  
Notary Public

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

SHARON SHERER,

Plaintiff,

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No.: 2018-L-

REALTY INCOME ILLINOIS  
PROPERTIES 3, LLC and AMC  
ENTERTAINMENT, INC. d/b/a  
AMC SHOWPLACE  
EDWARDSVILLE 12,

Defendants.

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure and Section 32-2 of the Criminal Code of 1961, the undersigned certify that the statements set forth in the foregoing instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certified as aforesaid that they verily believe the same to be true.

  
\_\_\_\_\_  
SHARON SHERER

May 3, 2018.

STATE OF ILLINOIS  
IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY  
155 N Main St., Edwardsville, IL 62025.  
(618) 692-6240  
madisoncountycircuitclerkIL.com

ALIAS SUMMONS

SHARON SHERER

Plaintiff

vs

CASE No. 2018 L 000435

AMC ENTERTAINMENT D/B/A AMC SHOWPLACE EDWARDSVILLE 12

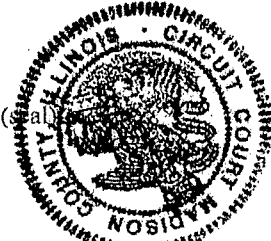
Defendant

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this Court, within 30 days after this service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 30 days after its date.

Witness: MARK VON NIDA, Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this May 3, 2018.



MARK VON NIDA  
Clerk of the Circuit Court

By: *W. Finch*  
Deputy Clerk

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

JOSHUA R. EVANS  
THE UNSELL LAW FIRM PC  
69 S 9TH ST  
EAST ALTON, IL 62024

Date of Service: \_\_\_\_\_, 20\_\_\_\_.

(To be inserted by officer on the copy left with the defendant or other person)

The Madison County Court makes every effort to comply with accessibility laws and provides reasonable accommodations to persons with disabilities. Hearing, visual, and other assistance may be arranged by contacting our Court Disability Coordinator, Teri Picchioldi at 618-296-4884.



Case No. 2018 L 000435

State of Illinois}  
Madison County} ss.

I, \_\_\_\_\_, Sheriff of said county, have duly served the within summons on the defendant \_\_\_\_\_ by leaving a copy thereof with said defendant personally, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have duly served the said summons on the defendant, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by leaving a copy of said summons on said date at his usual place of abode with \_\_\_\_\_, a person of the family of said \_\_\_\_\_ of the age of 13 years or upwards and by informing such persons with whom said summons was left of the contents thereof and by also sending a copy of said summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in a sealed envelope, with postage fully prepaid, addressed to said defendant \_\_\_\_\_, at his usual place of abode, as stated hereinabove in my return.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Sheriff

## Sheriff's Fees

Service	\$ _____
Making Copies	\$ _____
Miles Travel	\$ _____
Cost of mailing copies	\$ _____
Return	\$ _____
Total	\$ _____

SHARON SHERER  
Plaintiff

vs

AMC ENTERTAINMENT D/B/A AMC SHOWPLACE EDWARDSVILLE 12

Defendant

May 3, 2018

STATE OF ILLINOIS  
IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY  
155 N Main St., Edwardsville, IL 62025  
(618) 692-6240  
madisoncountycircuitclerkIL.org

**ALIAS SUMMONS**

SHARON SHERER  
Plaintiff

vs

REALTY INCOME ILLINOIS PROPERTIES 3, LLC

CASE No. 2018 L 000435

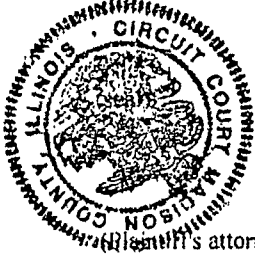
Defendant

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This summons may not be served later than 30 days after its date.

Witness: MARK VON NIDA, Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this May 3, 2018.



MARK VON NIDA  
Clerk of the Circuit Court

By: [Signature]  
Deputy Clerk

JOSHUA R. EVANS  
THE UNSELL LAW FIRM PC  
69 S 9TH ST  
EAST ALTON, IL 62024

Date of Service: MAY 22, 2018. M.L.

(To be inserted by officer on the copy left with the defendant or other person)

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Sheriff

Sheriff's Fees

Service	\$ _____
Making Copies	\$ _____
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Return	\$ _____
Total	\$ _____

SHARON SHERER  
Plaintiff

vs

REALTY INCOME ILLINOIS PROPERTIES 3, LLC

Defendant